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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,304	02/14/2001	Klaus Klemm	0732/000031	2458
26474	7590	11/02/2005	EXAMINER	
NOVAK DRUCE DELUCA & QUIGG, LLP 1300 EYE STREET NW SUITE 400 EAST WASHINGTON, DC 20005				GROSSO, HARRY A
ART UNIT		PAPER NUMBER		
3727				

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/782,304	KLEMM, KLAUS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Harry A. Grosso	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5-8 and 14-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5-8 and 14-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/31/05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on May 31, 2005 has been entered.

***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

**Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The specification is objected to as failing to comply with 37 CFR 1.77(b) as outlined above in that the specification is not broken down into sections, does not contain section headings and does not include all of the sections as outlined, for example, the Brief Description of the Drawings is not present.

The specification is objected to for failing to include a description of Figure 4, which was entered by amendment filed March 2, 2004.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 2, 3 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 2, 3 and 19 all recite the limitation "the cavity." There is insufficient antecedent basis for this limitation in the claims.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 7, 14, 15, 18, 20, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Cresham et al (GB 2 272 913 A, June 1, 1994) (Cresham).
7. Regarding claims 1, 7, 14, 18, 20, 25, Cresham discloses a drum shaped inner container for use in a top loading washing machine (Figures 1 and 2, page 1, lines 3-6) with an inner wall (2, 3) and an outer wall (4) made of reinforced polypropylene (page 2, lines 3-9 and lines 18-23). The walls are joined with a shear resistant connection (14, page 3, lines 7-14).
8. Regarding claims, 15 and 26, Cresham discloses the reinforcing materials comprise 20%-30% by weight of the polypropylene.
9. Claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Durazzani (5,419,164).

Durazzani discloses a drum shaped inner container for use in a washing machine (1, Figure 1, column 3, lines 4-15) with an inner wall (3, 4) and an outer wall (5 and the upper surface of 8) made of plastic. The walls are joined with a shear resistant connection (10, 12, column 3, lines 25-31). The cavity (6) between the inner and outer walls contains a filler, concrete (column 3, lines 13-15).

#### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 8, 16, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cresham.

Cresham discloses the claimed invention except for the wall thicknesses of the inner and outer walls. It would have been an obvious matter of design choice to have made the container with the wall thickness dimensions specified by the applicant, since applicant has not disclosed that the wall thickness dimensions solve any stated problem or are for any particular purpose and it appears that the invention would perform equally well with any wall thickness dimensions such as would be typical for the invention of Cresham.

12. Claims 5, 6, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cresham in view of Ebert et al (DE 197 22 339 A, December 3, 1998) (Ebert). Cresham discloses the claimed invention but does not teach the use of a laminate made from a decorative layer and a heat cured layer applied to the inner and outer walls. Ebert discloses the use of a laminate made from a decorative layer and a heat cured layer applied to polypropylene to provide high temperature resistance, high moisture resistance and better strength. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a laminate made from a decorative layer and a heat cured layer applied to the inner and outer polypropylene walls as disclosed by Ebert in the container disclosed by Cresham to provide high temperature resistance, high moisture resistance and better strength.

13. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durazzani.

14. Regarding claim 23, Durazzani discloses the claimed invention except for the wall thicknesses of the inner and outer walls. It would have been an obvious matter of design choice to have made the container with the wall thickness dimensions specified by the applicant, since applicant has not disclosed that the wall thickness dimensions solve any stated problem or are for any particular purpose and it appears that the invention would perform equally well with any wall thickness dimensions such as would be typical for the invention of Durazzani.

15. Regarding claim 24, Durazzani discloses the invention of claim 18 except for the thickness of the cavity between the inner and outer walls. It would have been an obvious matter of design choice to have made the container with the thickness of the cavity between the inner and outer walls as specified by the applicant, since applicant has not disclosed that the cavity thickness dimension solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any cavity thickness dimension such as would be typical for the invention of Durazzani.

16. Claims 1-3, 7-17, 20, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durazzani in view of Cresham.

Regarding claims 1-3, 7, 14, 20 and 25, Durazzani discloses a drum shaped inner container for use in a washing machine (1, Figure 1, column 3, lines 4-15) with an inner wall (3, 4) and an outer wall (5 and the outer surface of 8) made of plastic. The walls are joined with a shear resistant connection (10, 12, column 3, lines 25-31). The

cavity (6) between the inner and outer walls contains a filler, concrete (column 3, lines 13-15). Durazzani does not teach the plastic is reinforced polypropylene. Cresham discloses an inner container for a washing machine made of reinforced polypropylene. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of reinforced polypropylene as disclosed by Cresham in the container disclosed by Durazzani to provide a container with improved wall strength made from a reinforced material known in the art.

17. Regarding claims 15 and 26, Cresham discloses the reinforcing materials comprise 20%-30% by weight of the polypropylene. It would have been obvious to one of ordinary skill in the art to use the polypropylene composition as disclosed by Cresham.

18. Regarding claims 8, 16 and 27, Durazzani and Cresham disclose the claimed invention except for the wall thicknesses of the inner and outer walls. It would have been an obvious matter of design choice to have made the container with the wall thickness dimensions specified by the applicant, since applicant has not disclosed that the wall thickness dimensions solve any stated problem or are for any particular purpose and it appears that the invention would perform equally well with any wall thickness dimensions such as would be typical for the invention of Durazzani and Cresham.

19. Regarding claim 17, Durazzani and Cresham disclose the claimed invention except for the thickness of the cavity between the inner and outer walls. It would have been an obvious matter of design choice to have made the container with the thickness

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of the cavity between the inner and outer walls as specified by the applicant, since applicant has not disclosed that the cavity thickness dimension solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any cavity thickness dimension such as would be typical for the invention of Durazzani and Cresham.

20. Claims 5, 6, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durazzani and Cresham in view of Ebert et al (DE 197 22 339 A, December 3, 1998) (Ebert). Durazzani and Cresham disclose the claimed invention but do not teach the use of a laminate made from a decorative layer and a heat cured layer applied to the inner and outer walls. Ebert discloses the use of a laminate made from a decorative layer and a heat cured layer applied to polypropylene to provide high temperature resistance, high moisture resistance and better strength. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a laminate made from a decorative layer and a heat cured layer applied to the inner and outer polypropylene walls as disclosed by Ebert in the container disclosed by Durazzani and Cresham to provide high temperature resistance, high moisture resistance and better strength.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nathan Newhouse  
Supervisory Patent Examiner  
Art Unit 3727

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